

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-901 JJF
	:	
ILLUMINA, INC.,	:	
	:	
Defendant.	:	

ORDER

WHEREAS, on February 13, 2007, Defendant filed under seal a Motion To Exclude The Expert Testimony of Matthew Lynde as it relates to lost profits (D.I. 369) contending that the expert's opinion should be excluded under the principles set forth in Daubert v. Merrell Dow Pharms Inc., 509 U.S. 579 (1993) because it is unreliable and speculative;

WHEREAS, the Court concludes that the expert's testimony should not be excluded because the expert's methodology is accepted by experts in economics and Defendant's contentions are relevant to the weight the jury may give to the expert's opinion, not to the admissibility of the testimony;

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion To Exclude The Expert Testimony Of Matthew Lynde (D.I. 369) is DENIED.

March 1, 2007


UNITED STATES DISTRICT JUDGE